

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	INTERSTATE AGREEMENT ON
)	DETAINERS ORDER
vs.)	
)	Case No. 1:09-cr-038
Jose Breitzman,)	
)	
Defendant.)	

On June 26, 2009, Defendant Jose Breitzman (“Breitzman”) made his initial appearance in the above-entitled action and was arraigned. AUSA Gary Delorme appeared on the Government's behalf. Assistant Federal Public Defender Orell Schmitz was appointed as defense counsel and appeared on Breitzman’s behalf.

Prior to his initial appearance, Breitzman was in State custody at the Southwest Multi-County Correctional Center, in Dickinson, North Dakota. After the indictment in this case was returned and an arrest warrant issued, a detainer was filed by the United States with the North Dakota prison officials. Pursuant to the Interstate Agreement on Detainers Act (“IADA”), Breitzman’s appearance before this court for his initial appearance and arraignment was secured by a writ of habeas corpus *ad prosequendum*.

During the hearing, Breitzman was advised of his rights under the IADA to continued federal custody until the charges set forth in the indictment are adjudicated. Breitzman knowingly, voluntarily, and upon advice of counsel waived the anti-shuttling provisions of the IADA and stipulated to his continued housing by the State of North Dakota (the “sending state” under the

IADA) at the Southwest Multi-County Correctional Center pending trial of the charges on the indictment by the United States (the “receiving state” under the IADA).

Based on Breitzman’s waiver of the anti-shuttling provisions of the IADA, **IT IS HEREBY ORDERED** that he be housed in the “sending state” under the IADA, at the Southwest Multi-County Correctional Center, in Dickinson, North Dakota, pending trial of this matter or until further order of the court.

Dated this 26th day of June, 2009.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge